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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/703,794	11/02/2000	Hisatomo Ohki	040679/1159	2168

22428 7590 01/12/2004

FOLEY AND LARDNER  
SUITE 500  
3000 K STREET NW  
WASHINGTON, DC 20007

EXAMINER

PATEL, MITAL B

ART UNIT	PAPER NUMBER
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3743

DATE MAILED: 01/12/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/703,794

Applicant(s)

OHKI ET AL.

Examiner

Mital B. Patel

Art Unit

3743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 21-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22 is/are allowed.
- 6) ☒ Claim(s) 21 and 23-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7,9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Response to Amendment/Arguments*

1. Applicant's arguments with respect to claims 21 and 23-27 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 21, 23, 24, 25, 26, and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Newhouse et al (US 5,349,947).
4. **As to claim 21**, Newhouse teaches a blister pack **68** for an inhalant medicator, comprising a base panel **70** having a blistered portion; a lid panel **62** affixed obverse of the base panel to define a medical storage chamber by hermetically covering the blistered portion of the base panel; the blistered portion comprising a pair of substantially hemispherical convex portions **72,74** in which inflow and outflow holes are pricked during a preliminary operation of inhalant medication; and a flow-constriction portion (**See Figs. 8-11**) formed between the substantially hemispherical convex portion to define a flow constriction passage.

5. **As to claim 23**, Newhouse teaches a blister pack wherein the blistered portion is formed as an elliptical convex portion having the flow-constriction portion narrowed in a direction perpendicular to a flat surface of the lid panel (**See Fig. 8**).

6. **As to claim 24**, Newell teaches a blister pack wherein the blistered portion is formed as a gourd-shaped convex portion having a narrow part narrowed at its center in a transverse direction (**See Fig. 10**).

7. **As to claim 25**, Newhouse teaches a blister pack for an inhalant medicator, comprising a base panel **70** having a blistered portion; a lid panel **62** affixed onto an obverse of the base panel to define a medical storage chamber by hermetically covering the blistered portion of the base panel; the blistered portion comprising a pair of shallow pricked portions **72,74** in which inflow and outflow holes are pricked during a preliminary operation of inhalant medication; and a medical powder collecting portion deeply recessed between the shallow pricked portions to pre-store medical powder therein.

8. **As to claim 26**, Newhouse teaches a blister pack for an inhalant medicator, comprising a base panel **70** having a blistered portion **72,74** in which inflow and outflow holes are pricked during a preliminary operation of inhalant medication; a lid panel **62** affixed onto an obverse of the base panel to define a medical storage chamber by hermetically covering the blistered portion of the base panel; the blistered portion comprising a sloped surface which defines a shallow portion at a side of the inflow hole and defines a deep portion at a side of the outflow hole (**See Figs. 8-11**).

9. **As to claim 27**, Newhouse teaches a blister pack for an inhalant medicator, comprising a base pane **70** having a blistered portion **72,74** in which inflow and outflow

Art Unit: 3743

holes are pricked during a preliminary operation of inhalant medication; a lid panel **62** affixed onto an obverse of the base panel to define a medical storage chamber by hermetically covering the blistered portion of the base panel; the blistered portion comprising a sloped surface which defines a shallow portion at a side of the outflow hole and defines a deep portion at a side of the inflow hole (**See Figs. 8-11**).

***Allowable Subject Matter***

10. Claim 22 is allowed over the prior art of record.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mital B. Patel whose telephone number is 703-306-5444. The examiner can normally be reached on Monday-Friday (8:00 - 4:30).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Bennett can be reached on 703-308-0101. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.

mbp

Application/Control Number: 09/703,794  
Art Unit: 3743

Page 5

  
Aaron J. Lewis  
Primary Examiner